

Miscellaneous Revisions**School Week**

Sections 106(b) and 201(a) of Pub. L. 103–448 mandate that the nutritional requirements for school meals be based on a weekly average. The use of a weekly average was proposed by the Department on June 10, 1994 to establish a time frame for analyzing nutrients under NuMenus and Assisted NuMenus. The Department is proposing to add a more general definition of “School week” to § 210.2 and to § 220.2 to clarify the appropriate time period for determining compliance with the required nutrition standards. As proposed here, “School week” would be a minimum of three days and a maximum of seven days, and the days would be consecutive.

Food Component, Food Item

The definitions in § 210.2 of “Food component” and “Food Item” would be revised to reflect the new title of the grains/breads component that would replace the current title of bread/bread alternate. The Department would also like to note that no changes are being proposed to the number of items that comprise a reimbursable meal. Five items will continue to be required for a reimbursable lunch, and under the offer versus serve option, three of the five items must be taken.

Lunch

The definition of “Lunch” in § 210.2 would be revised to incorporate a reference to the nutrition standards as part of the elements that reimbursable meals must meet. Readers should note that this proposal repeats the definition of “Lunch under NuMenus and Assisted NuMenus” and under the current meal pattern, as proposed in the June 10, 1994, rulemaking. The Department is repeating this provision in order to provide readers with a complete definition of “Lunch” under all meal planning systems. However, since the Department has already received comments on the earlier definition, the Department will not accept additional comments on the definition of lunch under NuMenus and Assisted NuMenus.

Milk Component

In § 210.10(d)(1) there is a special exemption for schools that, prior to May 1, 1980, served six fluid ounces instead of the currently required eight fluid ounces to children ages 5–8 in grades kindergarten through grade 3. This proposal would remove this obsolete reference.

Effective Dates

Section 106(b)(2) of Pub. L. 103–448 requires that schools implement the Dietary Guidelines by July 1, 1996, unless a State agency grants a waiver to postpone implementation. Waivers may delay implementation to no later than July 1, 1998.

The statute also permits the Secretary to establish a date for implementation later than July 1, 1998. The Department does not presently envision extending this deadline because of the need to begin compliance with the Dietary Guidelines in an expeditious manner.

In addition, section 112(c)(3) of Pub. L. 103–448, 42 U.S.C. 1760(k)(3), requires the Department to issue a final regulation on this subject by June 1, 1995, incorporating the results of this proposed rulemaking as well as those concerning NuMenus and Assisted NuMenus that were proposed in the June 10, 1994, rule. Further, the Department, in compliance with section 112(c)(2) of Pub. L. 103–448, 42 USC 1760(k)(2), will be issuing a notice in the Federal Register to announce a public meeting to discuss this proposed action. This meeting will be held within 45 days of publication of this rulemaking and will be open to all interested parties and organizations. The Department encourages persons reviewing this proposed rule to watch for the Federal Register announcement of the public meeting.

While compliance with the updated nutrition standards is not required until July 1, 1996 (or later if waived by the State agency), school food authorities are encouraged to work towards meeting the Dietary Guidelines as well as the appropriate levels of nutrients and calories as soon as feasible.

List of Subjects**7 CFR Part 210**

Children, Commodity School Program, Food assistance programs, Grants programs—social programs, National School Lunch Program, Nutrition, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 220

Children, Food assistance programs, Grant programs—social programs, Nutrition, Reporting and recordkeeping requirements, School Breakfast Program.

Accordingly, 7 CFR Parts 210 and 220 are proposed to be amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. The authority citation for 7 CFR part 210 is revised to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

2. In § 210.2:

- a. the definition of “Food component” is revised;
- b. the definition of “Food item” is revised;
- c. the definition of “Lunch” is revised; and
- d. a new definition of “School week” is added in alphabetical order. The revisions and addition read as follows:

§ 210.2 Definitions.

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Food component means one of the four food groups which compose the reimbursable school lunch, i.e., meat or meat alternate, milk, grains/breads and vegetables/fruits.

Food item means one of the five required foods that compose the reimbursable school lunch, i.e., meat or meat alternate, milk, grains/breads, and two (2) servings of vegetables, fruits, or a combination of both.

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Lunch means a meal which meets the nutrient and calorie levels designated in § 210.10(c) and, if applicable, the school lunch pattern for specified age/grade groups as designated in § 210.10.

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School week means the period of time used as the basis for determining compliance with the *1990 Dietary Guidelines for Americans* and the calorie and nutrient levels in § 210.10(c)(2). The period shall be a minimum of three consecutive days and a maximum of consecutive seven days. Weeks in which school lunches are offered less than three times shall be combined with either the previous or the coming week.

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3. In § 210.10:

- a. The section heading is revised;
- b. The heading of paragraph (a) is revised;
- c. Paragraph (c) is revised;
- d. The last two sentences of the concluding text following paragraph (d)(1) are removed;
- e. A new sentence is added at the end of paragraph (d)(3);
- f. The heading of paragraph (d)(4) is revised; and
- g. The second through fifth sentences of paragraph (d)(4)(ii) are removed and one new sentence is added in their place.

The additions and revisions read as follows:

§ 210.10 Nutrition standards for lunches and menu planning methods.

(a) *Definitions for infant meals.* * * *

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